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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,137	12/01/2003	Takao Shudo	325772033400	1206
7590	02/24/2009		EXAMINER	
Barry E. Bretschneider Morrison & Foerster LLP Suite 300 1650 Tysons Boulevard McLean, VA 22102				PATEL, CHIRAG R
ART UNIT		PAPER NUMBER		
2441				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/724,137	SHUDO, TAKAO	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHIRAG R. PATEL	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

***Response to Amendment***

In view of the appeal brief filed on November 3, 2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-13, 18, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwata et al. –hereinafter Kuwata (US 2003/0072031).

As per claims 1 and 22, Kuwata discloses an image processing apparatus capable of communicating with a management server, comprising:

an image data input unit inputting image data; ([0047]; Figure 3: fax, digital camera, printer, scanner/copier)

an authentication information input unit inputting authentication information necessary for authenticating a user; ([0049])

an authentication information transmitter transmitting said input authentication information to said management server; ([0049])

an additional function list receiver receiving from said management server, in response to the transmission of said authentication information, additional function information for specifying an additional function that is registered in association with said user in an additional function list, the additional function list including at least one additional function executable by said management server; ([0050]; some buttons may be disabled or hidden, depending on user's login type; Figure 14)

an additional function selector for selecting a desired additional function from the additional function list; and ([0128]-[0135])

an instruction transmitter transmitting said additional function information ([0128]-[0133]) and said input image data to said management server. ([0046; scan job, where hardcopy is scanned to the proofing system])

As per claim 2, Kuwata discloses the image processing apparatus according to claim 1, further comprising a display unit displaying said received additional function information. ([0050]; Figure 14)

As per claim 3, Kuwata discloses the image processing apparatus according to claim 2, wherein said display unit includes a title display unit displaying a title of the additional function, and a detail information display unit displaying, in response to specification of said displayed title, detail information about the additional function. ([0050]; Figure 14)

As per claim 4, Kuwata discloses the image processing apparatus according to claim 1, wherein said image processing apparatus is capable of communicating with a plurality of management servers through a network, and further comprises a

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management server selector selecting one of said plurality of management servers.

([0043]; multiple servers to share the load; Figure 5)

As per claim 7, Kuwata discloses the image processing apparatus according to claim 1, wherein said additional function list includes at least one of: a transmission process for transmitting said image data to other computer; ([0003]) a recording process for recording said image data in a recording medium; ([0065]) and an image process.

([0128]-[0135])

As per claim 8, Kuwata discloses the image processing apparatus according to claim 7, wherein said transmission process includes a transmission through an e-mail.

([0003])

As per claims 9 and 18, Kuwata discloses the image processing apparatus according to claim 7, wherein said transmission process includes a file transfer process.

([0003])

As per claim 10, Kuwata discloses the image processing apparatus according to claim 7, wherein said recording process stores said image data in a database. ([0065])

As per claims 11 and 21, Kuwata discloses the image processing apparatus according to claim 7, wherein said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction. ([0133])

As per claim 12, Kuwata discloses the image processing apparatus according to claim 1, wherein said additional function list includes an image process to said image data, said image processing apparatus further comprising:

a processed image data receiver receiving a processed image data that has been executed the image process from said management server; and ([0136])  
an output unit outputting said received processed image data. ([0140])

As per claim 13, Kuwata discloses the image processing apparatus according to claim 12, wherein said output unit is an image ([0140]) forming apparatus forming an image in a recording medium. ([0065])

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata (US 2003/0072031) in view of Delany (US 2002/0156879).

As per claim 5, Kuwata disclose the image processing apparatus according to claim 4. Kuwata fails to disclose comprising a detector detecting each of said plurality of management servers. Delany discloses further comprising a detector detecting each of said plurality of management servers. ([0119]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose a detector detecting each of said plurality of management servers in the disclosure of Kuwata. The motivation for doing do would have been to scale the access management systems. ([0119]).

As per claim 6, Kuwata / Delany disclose the image processing apparatus according to claim 5. Delany discloses further comprising wherein said detector includes a send unit sending a search request to said network for detecting said plurality of management servers, and a response receiver receiving a response to said search request. ([0119])

Claims 14, 16-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata et al. –hereinafter Kuwata (US 2003/0072031) in view of Gitany- Alonso (US 2004/0003095)

As per claims 14 and 23, Kuwata discloses a management server capable of communicating with an image processing apparatus, comprising:

an additional function storage unit storing an additional function list associating identification information for identifying a user with an additional function executable by the management server; ([0049],[0050])

an authentication information receiver receiving authentication information necessary for authenticating the user ([0049])

an authentication unit determining if said received authentication information is true or not; an additional function transmitter extracting, when said received authentication information is determined to be true by said authentication unit, information of an additional function stored in the additional function list in association with identification information included in said authentication information, and transmitting the additional function information ([0050]; some buttons may be disabled or viewed, depending on user's login type; Figure 14)

a processing execute unit executing, when receiving image data ([0046]; scan job, where hardcopy is scanned to the proofing system]) and said additional function information ([0128]-[0135]) in response to the transmission of said additional function information, ([0050]) a process to said received image data in accordance with the additional function specified by said received additional function information. ([0128]-[0135])

Kuwata fails to disclose authenticating the user from said image processing apparatus; transmitting additional function to said image processing apparatus, and receiving image data and said additional function information from said image processing apparatus. Gitany- Alonso discloses authenticating the user from said image processing apparatus; transmitting additional function to said image processing apparatus, and receiving image data and said additional function information from said image processing apparatus. ([0048]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the functions of the web browser in the display of the multifunction printer in the disclosure of Kuwata. The motivation for doing do would have been for a multi-function device to provide a user with access to at least one function. ([0001])

As per claim 16, please see the discussion under claim 7 as similar logic applies.

As per claim 17, please see the discussion under claim 8 as similar logic applies.

As per claim 18, please see the discussion under claim 9 as similar logic applies.

As per claim 19, please see the discussion under claim 7 as similar logic applies.

As per claim 20, please see the discussion under claim 7 as similar logic applies.

As per claim 21, please see the discussion under claim 11 as similar logic applies.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delany et al. - hereinafter Kuwata (US 2003/0072031) / Gitany- Alonso (US 2004/0003095) further in view of Kumpf et al. – hereinafter Kumpf (US 6,839,755).

As per claim 15, Kuwata disclose the method of claim 14. Kuwata fails to discloses wherein said management server is capable of communicating with a plurality of image processing apparatuses through a network, (Fig. 3: Figure 3: fax, digital camera, printer, scanner/copier ) Kuwata fails to disclose further comprises a response transmitter transmitting, in response to receipt of a search request transmitted from each of said plurality of image processing apparatuses, a response to said search request to the image processing apparatus that has transmitted said search request. Kumpf discloses a response transmitter transmitting, in response to receipt of a search request transmitted from each of said plurality of image processing apparatuses, a response to said search request to the image processing apparatus that has transmitted said search request (Col 3 lines 34-59) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose transmitting, in response to receipt of a search request transmitted from each of said plurality of image processing apparatuses, a response to said search request to the image processing apparatus that has transmitted said search request in the disclosure of Kuwata. The

motivation for doing do would have been to discover peripheral servers that a peripheral specific software can utilize. (Col 2 lines 30-40)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue, can be reached on (571)272-3962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./  
Examiner, Art Unit 2441

/Larry D Donaghue/  
Primary Examiner, Art Unit 2454

/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2454